

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
FLORENCE DIVISION

Samuel Lee Grier,)	C.A. No. 4:05-0426-TLW-TER
)	
Plaintiff,)	
)	
vs.)	ORDER
)	
Jimmy Cappel, Jr., Officer for Georgetown)	
County Sheriff's Department; and)	
A. Lane Cribb, Sheriff of the Georgetown)	
County Sheriff's Department,)	
)	
Defendants.)	
_____)	

The *pro se* plaintiff filed this action pursuant to Title 42, United States Code, Section 1983 in February, 2005. (Doc. # 1). This matter is now before the undersigned for review of the Report and Recommendation ("the Report") filed by United States Magistrate Judge Thomas E. Rogers, III, to whom this case had previously been assigned pursuant to 28 U.S.C. § 636(b) and Local Rule 73.02(B)(2) (D.S.C.). (Doc. # 46). In his Report, Magistrate Judge Rogers recommends that the motion filed by defendants for summary judgment be granted in its entirety. No objections to the Report have been filed.¹

This Court is charged with conducting a de novo review of any portion of the Magistrate Judge's Report to which a specific objection is registered, and may accept, reject, or modify, in

¹The Report was filed on January 26, 2007. Objections were due by February 12, 2007. On February 9, 2007, plaintiff filed a motion for an extension of time until March 12, 2007 to file objections to the Report. Said motion was granted. However, to date no objections have been filed.

whole or in part, the recommendations contained in that report. 28 U.S.C. § 636. No objections have been filed to the Report. In the absence of objections to the Report and Recommendation of the Magistrate Judge, this Court is not required to give any explanation for adopting the recommendation. See Camby v. Davis, 718 F.2d 198, 199 (4th Cir. 1983).

This Court notes that the Report and Recommendation reflects that as a result of plaintiff's actions on March 1, 2004, plaintiff was charged and convicted of Assault of a High and Aggravated Nature, Assault while Resisting Arrest, Failure to Stop for a Blue Light and Possession of Heroin. After a thorough review of the record, this Court found no documents submitted by respondents as to these convictions. However, attached to plaintiff's response in opposition to respondents' motion to dismiss or in the alternative, for summary judgment is a copy of the initial Anders brief prepared by plaintiff's attorney on appeal in the state case which resulted from this arrest. (Doc. # 42, Exhibit 5). This brief indicates that a jury found plaintiff guilty of Assault of a High and Aggravated Nature, Assault while Resisting Arrest, Failure to Stop for a Blue Light and Possession of Heroin.

A review of the record indicates that the Report accurately summarizes this case and the applicable law. For the reasons articulated by the Magistrate Judge, it is hereby **ORDERED** that the Magistrate Judge's Report is **ACCEPTED** (Doc. # 46), and defendants' motion for summary judgment is **GRANTED** in its entirety (Doc. # 40).

IT IS SO ORDERED.

s/ Terry L. Wooten
TERRY L. WOOTEN
UNITED STATES DISTRICT JUDGE

March 16, 2007
Florence, South Carolina